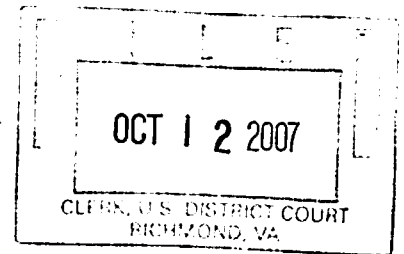


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



JONATHAN LEE RICHES,

Plaintiff,

V.

MICHAEL VICK,

Defendant.

Civil Action No. 3:07CV434-HEH

MEMORANDUM OPINION
(Dismissing 42 U.S.C. § 1983 Action)

By Memorandum Order entered on August 1, 2007, the Court conditionally docketed Plaintiff's action. At that time, the Court directed Plaintiff to submit a statement under oath subject to the penalty of perjury that:

- (A) identifies the nature of the action;
- (B) states his belief that he is entitled to relief;
- (C) avers that he is unable to prepay fees or give security therefor; and,
- (D) includes a statement of the assets he possesses, which must include the current balance in his inmate hold account.

See 28 U.S.C. § 1915(a)(1). The Court provided Plaintiff with an *in forma pauperis* affidavit form for this purpose.

Additionally, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry of the Order would result in dismissal of the action.

Plaintiff has not complied with the orders of this Court. Plaintiff failed to return a completed *in forma pauperis* affidavit form and a consent to collection of fees form. As a result,

he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant complaint. *See* 28 U.S.C. § 1914(a). Such actions demonstrate a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice. No action will be taken upon Plaintiff's numerous motions that were filed prior to completing the process for evaluating his request to proceed *in forma pauperis*. *See* August 1, 2007 Mem. Order ¶ 8.

Date: Oct. 11, 2007
Richmond, Virginia

HEH

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| <p style="text-align: center;">/s/</p> <p>Henry E. Hudson United States District Judge</p> |
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